

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Samuel D. Spires, III,

Petitioner,

v.

Warden Janson,

Respondent.

C/A No.: 6:22-cv-3475-SAL

ORDER

This matter is before the court for review of the March 17, 2023 Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 24.] In the Report and Recommendation (“the Report”), the magistrate judge recommends granting Respondent’s motion to dismiss and dismissing the petition as moot without opposition from the petitioner. *Id.* at 3. Attached to the Report was a notice advising the parties of the procedures and requirements for filing objections to the Report. *Id.* at 4. No objections have been filed to the Report, and the time to do so has passed.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, **ADOPTS** the Report, ECF No. 24, and incorporates it by reference herein. Accordingly, Respondent’s motion to dismiss, ECF No. 16, is **GRANTED**, and the petition is **DISMISSED AS MOOT** without opposition from Petitioner.

IT IS SO ORDERED.

April 20, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge